



Attorney General Jon Bruning

NEWS RELEASE

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AG Bruning Releases Statement on Federal Motion to Dismiss in Religious Liberty Suit

LINCOLN-Attorney General Jon Bruning today released the following statement in response to the Obama Administration's motion to dismiss the religious liberty lawsuit filed by Nebraska in the United States District Court.

"This filing only serves to highlight one thing. Regardless of the continuous promises of change offered by this Administration, the results are nothing more than bait and switch," said Bruning. "This rule is a brazen violation of the 1st Amendment rights of millions of Americans. We will continue to fight this attack on religious liberty and refuse to be deterred by the federal government's not so clever shell game."

Among the assertions in the response filed late yesterday, the federal government argues that proposed injury suffered by the Plaintiffs will be moot if and when changes are made to the rule forcing employers to provide health insurance coverage for contraceptives, sterilization and abortifacients. However, no date certain has been set for the alleged changes to be made.

The State's original brief can be found [here](#).
The federal motion to dismiss can be found [here](#).
The federal motion to dismiss brief can be found [here](#).

Background of Religious Liberty Lawsuit

In February, Attorney General Bruning and 6 other state attorneys general filed a lawsuit requesting a permanent injunction of the federal regulation that forces religious-affiliated organizations to support activity that violates the sacred beliefs of millions of Americans. The suit also includes co-plaintiffs Pius X Catholic High School, Catholic Social Services, The Catholic Mutual Relief Society of America and private citizens Stacy Molai and Sister Mary Catherine, CK.

The lawsuit alleges the rule regulating employers under the 2010 health care reform law announced in January 2012 infringes upon the constitutional right of religious liberty by

requiring religious-affiliated organizations such as hospitals, schools and other community outreach programs to purchase employee health insurance that covers services contrary to their belief systems.

By imposing such a mandate, the law exceeds the powers of the United States under the 1st Amendment of the U.S. Constitution and the Religious Freedom Restoration Act, which guarantee Americans the free exercise of religion.

On February 10, 2012, Attorney General Bruning drafted and sent a letter signed by 13 state attorneys general to U.S. HHS Secretary Kathleen Sebelius, Treasury Secretary Timothy Geithner and Labor Secretary Hilda Solis requesting the employer rule be rescinded. That same day, the Administration announced a proposal that would shift the requirement from the employers to the health insurers themselves. However, the proposed change did nothing to address the fundamental 1st Amendment violation and was never officially made.

Five days after announcing the proposal, the Administration declined to withdraw implementation of the regulation and offered a promise to address the issue in the coming year.

Joining Nebraska in the challenge are Florida, Michigan, Ohio, Oklahoma, South Carolina and Texas.